

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 619 - Sex Offender Registry, Supervision, and Data Base Task Force (LSB 2527 HV)

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Fiscal Note Version – As Amended and Passed by the House

Description

House File 619, as amended and passed by the House, relates to persons convicted of criminal offenses requiring registration on the Sex Offender Registry, requiring an additional indeterminate sentence or treatment, and establishing a Sex Offender Registry Task Force.

Background

1. Under current law, sex offenders who commit violations of Sections 709.2, 709.3, 709.4, and 709.11, Code of Iowa, must provide a DNA sample.
2. The cost for a DNA collection kit, analysis of a DNA sample, and development of a DNA profile is approximately \$45 per sample.
3. The Sex Offender Registry was created in 1995 in SF 93 (Sex Offender Registry Act).
4. The current budget for the Sex Offender Registry is \$524,000, which includes 3.0 special agents and 5.0 civilian employees.
5. As of March 1, 2005, there were 6,427 offenders on the Sex Offender Registry. There are also 1,054 offenders registered as out-of-State offenders. An offender remains on the Registry for a minimum of ten years and in some instances, life-time registration is required.
6. The Bill imposes an aggravated misdemeanor penalty for violating residency requirements. The average State cost for one aggravated misdemeanor conviction ranges from \$1,100 to \$5,700. The maximum costs will be incurred across multiple fiscal years while the offender is supervised in the correctional system.
7. In regards to the residency requirements for sex offenders, there are 5,902 registered day care centers in Iowa. There are 1,532 public and 194 private schools in Iowa.
8. As of March 30, 2005, there were 1,099 sex offenders in prison; 39 of these offenders violated the Sex Offender Registry requirements. Of the 1,099 offenders, 211 or 19.2% are repeat offenders. The previous incarceration may or may not have been for a sex crime.
9. The current sex offender treatment budget for prison is \$693,000. The Department of Corrections (DOC) estimates an additional \$355,000 is required to meet current demand for treatment.
10. There are currently 73 sex offenders in Community-Based Corrections (CBC) facilities. There are 636 sex offenders under CBC supervision in field services (parole, probation, interstate compacts, and pre-trial release.) Current treatment budgets in CBC are \$2.6 million. The DOC estimates an additional \$855,000 is required statewide to meet current demand for treatment.
11. The marginal cost per day for State prisons is \$13 per inmate.
12. The cost of a Parole/Probation Officer II is \$51,100. The cost of a Parole/Probation III is \$57,000.
13. In FY 2004, the following sex offenders were sentenced to prison: 4 serious misdemeanants, 31 aggravated misdemeanants, 51 Class D felons, and 89 Class C felons.
14. The average length of stay in prison for a sex offender is as follows: 7 months for serious misdemeanants, 10 months for aggravated misdemeanants, 30 months for Class D felons, and 50 months for Class C felons. This average includes earned time credit.
15. Approximately 50.0% of sex offenders in prison refuse sex offender treatment and/or are released without supervision due to the expiration of their sentence while in prison. The current sex offender treatment program is 15 months.

16. In FY 2004, there were 35 misdemeanants sentenced to prison. The average length of stay for a misdemeanant sex offender is seven to ten months. Since the length of the sex offender program is 15 months, misdemeanants are prevented from participating in the sex offender treatment program.

Assumptions

1. In FY 2004, there were 263 sex offenders released from prison of which, approximately 139 offenders had not had a DNA sample taken. There were 227 probation admissions for sex offenses of which, approximately 120 offenders had not provided a DNA sample. The cost for the additional DNA samples is approximately \$12,000 a year.
2. The cost to re-work and enhance the Sex Offender Registry web site would be approximately \$25,000 to update the programming (one-time cost, including an e-mail list serve) and \$62,000 for an Information Technology Specialist 1 (web master). Within ten years, the Registry is estimated to double in size. The cost to maintain photos and addresses on the web site for an additional ten years, if an offender fails to comply, may require the addition of three special agents over the next ten years. The cost for one field agent, including car, bullet proof vest, equipment, and salary is \$110,000.
3. An electronic monitoring bracelet based on radio frequency technology costs \$2.87 per day, per offender. (This bracelet monitors an offender in a specific area, such as their home.) A global positioning system (GPS) bracelet costs \$4.75 per day, per offender. (This bracelet monitors an offender throughout the community.)
4. Offenders released with the electronic monitoring requirement will be supervised at the intensive supervision level – no more than 30 offenders per Probation/Parole Officer (PPO III). Each offender will be on parole or work release for two years. Offenders who violate the terms of their parole or work release will be returned to prison. Cost for sex offender treatment is \$7.04 per day, per offender.
5. Newspaper readership on Sunday is higher than newspaper readership during the week. Estimated costs for the advertising requirements for HF 619, as amended and passed by the House, are similar to the costs of a full-page display ad such as the Great Iowa Treasure Hunt. The cost to run one full-page ad in the Cedar Rapids Gazette is \$7,530 on Sunday or \$6,654 on a weekday. If the ad was repeated within six days, the price for the second printing on a weekday would be 25.0% less or \$4,990. The cost of a full-page ad statewide in the Des Moines Register on a weekday would be \$6,648 and on a Sunday would be \$11,142. The cost of a full-page ad in the Omaha World Herald is \$16,800 for the daily paper and \$21,040 for the Sunday paper.
6. Under current law, there are 25 Class D felons receiving sex offender treatment. An additional 25 Class D felons are estimated to be in need of treatment. Of these, approximately 50.0% or 13 felons will accept treatment while the remaining 50.0% will refuse treatment.
7. Since misdemeanant sex offenders are not in prison long enough to participate in the sex offender treatment program, the DOC plans to create a shortened treatment program for these offenders to meet the current length of stay in prison. Follow-up treatment in CBC is required to complete the full program.
8. If all sex offenders in prison are required to participate in a sex offender treatment program in prison, the estimated cost is \$1.0 million. This includes \$355,000 for the current shortfall for sex offender treatment. The estimated \$1.0 million also includes \$645,000 for additional sex offender treatment plus increased operating costs related to increased length of stay for those to refuse treatment. Sex offenders only accrue earned time if they participate in treatment under HF 619 as amended and passed by the House.
9. House File 619, as amended and passed by the House, contains a mandatory two years supervision for parole or work release for certain offenses including sexual abuse, failure to register as a sex offender, domestic abuse, stalking, and incest. Offenders would serve time in prison before this mandated supervision would take effect. In FY 2007, there would be approximately 58 offenders released under the mandated supervision.

10. The Department of Corrections, Attorney General's Office, State Public Defender's Office, and the Criminal Juvenile Justice Planning Division will submit a report regarding offenders serving additional terms of years to the General Assembly on January 15, 2007.
11. The cost for the Sex Offender Data Base Task Force is approximately \$72,000. This assumes that each participating organization will have its own database. The Department of Administrative Services (DAS) would chair and provide clerical and technology staff to analyze the individual databases and design a new database and interfaces. The Task Force will exist for one year and would meet approximately every three weeks. A report on the progress is due to the General Assembly on December 30, 2005.

Correctional Impact

There may be a significant increase in convictions and incarcerations for the new aggravated misdemeanor term for the requirement that a person cannot reside within 1,000 feet of a public or nonpublic elementary or secondary school or child care facility. It is estimated that the 1,000 foot rule would place up to half of the State of Iowa off limits to housing for sex offenders. If no acceptable location in the community can be located, sex offenders granted parole may be required to remain in prison, which may increase the length of stay resulting in an increased prison population and correctional impact.

Under the provision of mandated supervision, there is no correctional impact in FY 2006 because offenders are serving their term in prison. In FY 2007, there will be approximately 58 offenders released under this requirement. By FY 2010, there will be approximately 142 offenders released under this requirement. The chart below estimates the number of offenders who will receive an additional two year sentence to parole or work release. (These figures include other offenses in addition to sex offenses such as stalking, incest, and domestic assault.)

CBC - Additional Two Year Sentence to Parole or Work Release

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Offenders	0	58	75	119	142

Under the provision of mandated treatment in prison plus the loss of earned time if the inmate refuses treatment, Class D felons will serve two and a half additional years in prison because they refused treatment. Under current law, they will serve 30 months in prison. Under this Bill, they will serve 60 months in prison. Therefore, the correctional impact will occur in FY 2008, the third year after the effective date of HF 619 as amended and passed by the House.

Additionally, there will be misdemeanants who will serve an average of 14 months longer in prison than under current law because they refused treatment. Currently, these misdemeanants serve ten months in prison on average. Therefore, the correctional impact will occur in FY 2006, with nine misdemeanants serving two more months in prison.

The chart below shows the estimated number of sex offenders who will remain in prison and lose earned time.

Loss of Earned Time, Additional Length of Stay in Prison

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Felons	0	0	7	20	33
Misdemeanants	9	26	34	34	34
	<u>9</u>	<u>26</u>	<u>41</u>	<u>54</u>	<u>67</u>

The impact on prisons after FY 2010 will be substantial as Class C offenders lose earned time. It is estimated that after FY 2008 and through FY 2017, an additional 267 offenders will be added to the prison system on an annual basis.

The chart below shows the estimated number of sex offenders who will receive treatment in prison under HF 619.

Offenders in Prison Being Treated Under HF 619

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>
Felons	7	20	26	26	26
Misdemeanants	9	18	18	18	18
	<u>16</u>	<u>38</u>	<u>44</u>	<u>44</u>	<u>44</u>

There will be an increase in the number of sex offenders receiving treatment in CBC. This increase includes those misdemeanants in prison who accepted treatment, but need to complete treatment upon their release from prison. The increase also includes those offenders who are in the mandated two-year supervision.

Fiscal Impact

The overall fiscal impact of HF 619, as amended and passed by the House, for FY 2006 is \$4.1 million, and in FY 2007, costs are estimated to be \$4.3 million.

Fiscal Impact

<u>Department</u>	<u>FY 2006</u>	<u>FY 2007</u>
Administrative Services	\$ 72,000	\$ 0
Public Safety	209,000	184,000
Treasurer of State	26,000	26,000
Corrections Total	3,778,000	4,069,000
Total Costs	<u>\$4,085,000</u>	<u>\$4,279,000</u>

Costs will continue to increase in future fiscal years due to anticipated increases in costs for the correctional system plus costs for maintaining the Sex Offender Registry.

Sources

Department of Corrections
 Department of Human Rights, Criminal Juvenile Justice Planning Division (CJJP)
 Department of Public Safety

/s/ Holly M. Lyons

April 4, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
